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2004-04-01 P 27

GRAFTON TECHNOLOGIES, INC.

Petition for Waiver of the Application of
certain provisions of the Commission's
rules in 83 Ill.Adm.Code Part 730.

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Docket No.

04-0409

CHIEF CLERK

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PETITION FOR WAIVER

NOW COMES GRAFTON TECHNOLOGIES, INC. (hereinafter referred to as "Petitioner") by its attorney, Troy A. Fodor of the law firm of Troy A. Fodor, P.C., and pursuant to Section 730.110 of the Commission's Rules, 83 Ill.Adm.Code Part 730.110, and Section 13-513 of the Public Utilities Act, 220 ILCS 5/13-513 (the "Act"), hereby requests that the Illinois Commerce Commission waive the application of certain provisions of the Commission's rules in 83 Ill.Adm.Code Part 730, and in support thereof states as follows:

1. Petitioner is an Illinois corporation with its principal business office located in Jerseyville, Illinois, and is a telecommunication carrier within the meaning of Section 13-202 of the Illinois Universal Telephone Service Protection Law, 220 ILCS 5/13-202.

2. Petitioner presently provides local exchange telecommunications service on a competitive basis to subscribers in and around the City of Jerseyville pursuant to a Certificate of Service Authority granted by the Commission. Petitioner serves approximately 1100 access lines.

3. Petitioner requests a waiver of the provisions of Section 730.510(a) and Section 730.510(b) of the Commission's rules.

4. Section 730.510(a) requires all local exchange carriers to staff operator offices so that the average answer time for toll, assistance and information calls, calculated on a monthly basis, does not exceed ten (10) seconds. The rule further requires that any carrier that does not meet the ten (10) second average answer time standard for any month must take corrective action and report the fact that it missed the standard to the Commission.

5. Petitioner does not have the ability to meet the standard in Section 730.510(a) because it has no control of the operator offices that provide operator services for toll, assistance and information calls to its subscribers. Petitioner does not have operators to answer operator toll and assistance or information questions, but rather contracts for operator services with SBC Illinois and National Directory Assistance ("NDA").

6. Section 730.510(b) requires all local exchange carriers to staff business offices and repair offices so that the average answer time for calls to such offices during normal business hours, calculated on a monthly basis, does not exceed sixty (60) seconds. The rule further requires that any carrier that does not meet the sixty (60) second average answer time standard for any month must take corrective action and report the fact that it missed the standard to the Commission. Finally, the rule requires that all local exchange carriers maintain records of answer time performance at business and repair offices, which records are required to include, at a minimum, the total number of calls received, the total number of calls answered and the average answer time for each month, and it requires all local exchange carriers to file a report with the Commission annually showing such information for each month of the preceding calendar year, as well as upon request by the Commission.

7. Petitioner does not maintain separate business and repair offices. Customer calls for both functions are received at Petitioner's main office at 301 Commerce Boulevard in

Jerseyville, Illinois. Petitioner maintains a separate telephone number for after hours repair calls, but normally repair calls are received over the general business telephone number. Petitioner has a general business telephone number for all business calls, including customer service requests and inquiries, as well as other calls that are not related to customer service requests and inquiries, such as calls from vendors and consultants. Petitioner maintains four full-time employees in the business office to answer calls from subscribers and others during normal business hours.

8. Petitioner does not maintain automated answering equipment at its business or repair office to record the number of subscriber service related calls and the answering time of each such inbound call or to segregate customer service related calls from non-customer service related calls. Maintaining this information manually would be inaccurate without hiring additional employees to monitor the employees that answer the business lines. Therefore, Petitioner does not have the ability to accurately measure and record answer time performance information or to determine whether it is meeting the standard in Section 730.510(b). Petitioner is providing quality service to its subscribers with respect to answering time performance, as well as all other service elements. Petitioner has not received any customer complaints regarding answering time performance.

9. Given the size of the Company and its small number of subscribers, it would be unreasonable and unnecessarily burdensome to require Petitioner to incur the expense of automated answering equipment or additional employees whose sole job is to monitor the employees who answer the business lines. It would also be unreasonable and unnecessarily burdensome to require Petitioner to reduce the level of personal service that it presently provides to its subscribers by requiring the installation and operation of automated answering equipment, rather than live customer service representatives.

10. Unlike larger carriers, when Petitioner's subscribers call to Petitioner's business office, the subscribers do not have to listen to a menu-driven, automated telephone answering system, nor do Petitioner's subscribers have to make an 800 number call to a distant location before personally speaking with a service representative. Petitioner has full-time customer service representatives assigned during normal business hours to promptly answer subscriber telephone calls to Petitioner's business and repair offices.

11. Petitioner provides quality service to its subscribers. The grant of a waiver of 83 Ill. Adm. Code Sections 730.510(a) and (b) to Petitioner will not harm consumers or any other interested party.

12. The staffing and reporting requirements of Section 730.510(a) and (b) of the Commission's rules are not statutorily mandated, but rather were issued by the Commission pursuant to Section 8-301 of the Act, 220 ILCS 5/8-301, which authorizes the Commission to ascertain, determine and fix adequate and serviceable standards for the measurements of quantity, quality or other condition pertaining to the performing of its service or to the furnishing of its product or commodity by any public utility.

13. The grant of a waiver of 83 Ill. Adm. Code Sections 730.510(a) and (b) to Petitioner will not impede the development of or operation of a competitive market.

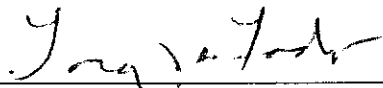
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WHEREFORE, GRAFTON TECHNOLOGIES, INC. respectfully requests that the Commission grant this Petition for Waiver, enter an order without hearing permanently waiving the application of 83 Ill.Adm.Code 710.510(a) and 710.510(b) to Petitioner, and grant such other and further relief as is deemed just.

DATED this 21st day of May, 2004.

Respectfully submitted,

GRAFTON TECHNOLOGIES, INC.,

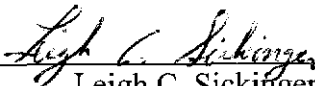
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STATE OF ILLINOIS)
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COUNTY OF SANGAMON)

VERIFICATION

The undersigned, Leigh C. Sickinger, being first duly sworn on oath, deposes and states that he is a Vice-President for Grafton Technologies, Inc.; that he has read the above and foregoing Petition For Waiver; that he has knowledge of the statements of fact contained therein; and that the contents of said Petition are true and correct to the best of his knowledge, information and belief.



Leigh C. Sickinger

Subscribed and sworn to before me

this 20th day of April, 2004



Notary Public

